

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

L.C. RICHARDSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

CASE NO. 1:12-CV-776

HON. ROBERT J. JONKER

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**ORDER APPROVING AND ADOPTING**  
**REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Brenneman's Report and Recommendation in this matter (docket # 17); Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (docket # 18); and Defendant's Reply (docket # 19). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; Plaintiff's objections; and Defendant's Reply. The Court finds the Magistrate Judge's Report and Recommendation (docket # 17) is factually sound and legally correct.

The Magistrate Judge recommends affirming the decision of the ALJ to deny Plaintiff's request for disability insurance benefits and supplemental security income benefits. In his Objections, Plaintiff primarily reiterates and expands arguments he made in his initial brief.<sup>1</sup> The Report and Recommendation already carefully, thoroughly, and accurately addresses each of those arguments. Nothing in Plaintiff's Objections adds to or otherwise changes the analysis. The Magistrate Judge correctly concluded that substantial evidence supports the ALJ's decision.

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (docket # 17) is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Commissioner's decision is **AFFIRMED**.

/s/Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE

Dated: September 16, 2013

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<sup>1</sup> Plaintiff also objects to a statement in the Report and Recommendation that Plaintiff had failed to present "any legal basis to dispute the findings or credibility determinations [of the ALJ]." (Obj., docket # 18, at 2.) Plaintiff describes portions of his own testimony and other record materials in his brief as the "legal basis" to dispute the ALJ's decision and suggests that the Magistrate Judge failed to consider these materials. (*Id.*) Plaintiff appears to be confusing the concept of a "legal basis" with the concept of a "factual basis." The Report and Recommendation reflects that the Magistrate Judge carefully considered all materials of record and found no basis – legal or factual – to challenge the ALJ's credibility determinations.